

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P.No.D- 2576 of 2019

Before;

Mr. Justice Irshad Ali Shah
Mr. Justice Amjad Ali Sahito

Petitioner: Mohammad Shahzad Ahmed
Through M. Hanif Memon advocate

Date of hearing: 27.11.2019

Date of decision: 27.11.2019

ORDER

1. Urgency granted.

2to5. The facts in brief necessary for disposal of instant petition are that the petitioner was work charge/contract employee, he was removed from service on 1st July, 2016 by the Project Director Housing Hyderabad Development Authority. After such removal he filed a grievance petition with delay of about 27 months. It was dismissed on 06.02.2019 by learned Presiding Officer Labour Court No.VI Hyderabad. Such dismissal of his grievance petition was impugned by the petitioner by preferring an appeal. It was dismissed by learned Chairman, Sindh Labour Appellate Tribunal Karachi. It is in these circumstances the petitioner has brought the instant petition before this Court seeking reinstatement of his service by setting aside the orders of learned Labour Court No.VI at Hyderabad and that of learned Chairman Labour Appellate Tribunal at Karachi.

It is contended by learned counsel for the petitioner that the limitation ought to have been condoned by learned trial and appellate Court on humanitarian ground by considering the poor financial position of the petitioner. By contending so, he sought for issuance of notice against the respondents. In support of his

contention he has relied upon case of ***Punjab Small Industries Corporation versus Punjab Labour Appellate Tribunal Gulberge (1987 PLC 662)***.

We have considered the above arguments and perused the record.

Admittedly the petitioner sought for reinstatement of service much after the prescribed time of limitation, such delay he was not able to explain plausibly before learned trial or appellate Tribunal. In these circumstance, learned appellate Tribunal has dismissed the appeal of the appellant by way of impugned order with very cogent reasons, operative part whereof reads as under:

“Also, for consideration of delay, a party has to explain delay of each and every day. The only explanation for the delay of more than 27 months given by the appellant is that his earlier application for regularization of his service was pending in the labour court and the appellant did not know if he had to give fresh grievance notice and file fresh grievance application. This is not a plausible explanation for not giving the grievance notice for the redressal of fresh grievance. The causes of action and the reliefs in the two applications were different and ignorance of law cannot be treated as sufficient cause for condoning the delay of 27 months”.

The case law which is relied upon by the learned counsel for the petitioner is on undistinguishable facts and circumstances. In that case services of the workers/employees were terminated on account of closing of establishment which was not proved on record. In the instant matter the petitioner has sought for his reinstatement

in service much after expiry of prescribed time of limitation. The petitioner may be a poor person but his financial status could hardly be allowed to prevail upon the merits of his case. In eyes of law every citizen is equal irrespective of their stats.

In view of the facts and reasons discussion above, the instant petition is dismissed in limine alongwith listed applications.

JUDGE

JUDGE

Ahmed/Pa,